

Message Text

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PAGE 01 USUN N 02196 090059Z
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TO SECSTATE WASHDC 4412
INFO AMEMBASSY BELGRADE
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C O N F I D E N T I A L USUN 2196

E.O. 11652: GDS

TAGS: PFOR, PINS, ASEC, US, YO

SUBJECT: COURT ARRAIGNMENTS OF CROAT TERRORISTS

REF: A. USUN 2165; B. USUN 2192; C. USUN 1918.

1. CONCERNING COURT PROCEEDINGS AT BAIL HEARINGS OF CROAT TERRORISTS, USUN WILL OBTAIN COURT MINUTES AND FURNISH YUGOSLAVS WITH COPY. APPROXIMATELY ONE WEEK REQUIRED TO OBTAIN TRANSCRIPT. IN THE MEANTIME, USUN SPOKE TO BOTH ASSISTANT US ATTORNEY TENDY CONCERNING FEDERAL HEARING AND ASSISTANT DISTRICT ATTORNEY BROOMA ON STATE HEARING.

2. ASSISTANT US ATTORNEY TENDY STATED HE ASKED FOR BAIL TO BE SET AT \$250,000 PER PERSON WHILE THE DEFENSE PLEADED NOT GUILTY AND REQUESTED DEFENDANTS BE RELEASED WITHOUT BAIL ON THEIR OWN RECOGNIZANCE. FOLLOWING AN EXCHANGE, JUDGE SET BAIL AT \$100,000 EACH. MISOFF EXPLAINED TO TENDY THE YUGOSLAVS' CONCERN THAT BAIL IN ANY AMOUNT HAD BEEN SET. ACCORDING TO TENDY, THERE IS DEFINITE POSSIBILITY APPLICATION WILL BE MADE FOR FURTHER REDUCTION OF BAIL AND THAT SUCH APPLICATION MAY BE SUCCESSFUL. TENDY SAID A JUDGE HAD BEEN ASSIGNED THE CASE BUT NO TRIAL DATE HAS BEEN SET. HE SAID THE
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PAGE 02 USUN N 02196 090059Z

NEXT STEP WOULD BE THAT JUDGE WOULD ORDER A PRE-TRIAL CONFERENCE WITH PROSECUTION AND DEFENSE ATTORNEYS AND AT THAT TIME A MUTUALLY AGREEABLE DATE WOULD BE SET. TENDY WAS ASKED ABOUT THE CLAIM BY YUGOSLAVS (PARA 5, REF A) THAT HE HAD TOLD THEM THAT DEFENDANTS WOULD NOT BE LET OUT ON BAIL. TENDY STATED HE HAD NOT MADE SUCH A CLAIM. HE BELIEVED YUGOSLAVS WERE CONFUSED OVER HIS

STATEMENT TO THEM THAT DEFENDANTS WERE BEING HELD "WITHOUT BAIL" WHICH HE MADE PRIOR TO BAIL HEARINGS (E.G., PARA 5, REF C).

3. ASSISTANT DISTRICT ATTORNEY BROOMA ADVISED, CONCERNING STATE COURT BAIL HEARING, THAT HE HAD ASKED THAT NO BAIL BE SET AND THAT DEFENDANTS BE REMANDED TO PRISON UNTIL TRIAL. JUDGE RESPONDED BY SETTING BAIL AS REPORTED REF A. BROOMA SAID HE MADE LENGTHY PLEA IN ATTEMPT TO INFLUENCE JUDGE'S DECISION BUT CLAIMS HE RECEIVED A CURT REPLY FROM JUDGE THAT BAIL HAD ALREADY BEEN SET.

4. BOTH PROSECUTORS STATE THAT CRIMES WITH WHICH DEFENDANTS ARE CHARGED ARE UNDER BOTH FEDERAL AND STATE LAWS BAILABLE OFFENSES.
LEONARD

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